



County Building Three  
PHONE (804) 693-1224  
FAX (804) 693-7037

## Department of Planning

6582 Main Street  
P. O. Box 329  
Gloucester, Virginia 23061

### M E M O R A N D U M

**TO:** Policy File

**FROM:** Jay Scudder, Planning Director

**DATE:** March 8, 2007

**SUBJECT:** Determination of "Major Subdivisions" for Family Transfers

The Subdivision Ordinance, Section 15-3.2c(8) states that "Family Transfers shall not be permitted in a **major subdivision** previously approved under the terms of the Gloucester County Subdivision Ordinance when any lot or parcel to be created will be smaller than the average parcel size in the subdivision in which the parent tract is located."

A **major subdivision** is defined as "A subdivision of four (4) or more lots or any subdivision in which a new street (whether public or private) is extended, except as permitted under subsection 15-31(c)<sup>1</sup>."

In order to assure that this provision is met; applications for a family transfer shall include one of the following:

1. A recorded plat or deed showing the parcel has been in existence without modifications since October 21, 1965, the date the County Subdivision Ordinance was adopted.
2. A plat of record showing the creation of the parcel from a larger parcel. If the parcel is accessed by a public or private road, or easement, the plat of record that created the road or right-of-way easement serving the parcel shall also be provided, if different from the plat creating the parcel as it exists today.
3. Additional plats or deeds may be required by the subdivision agent if the above records do not clearly show the creation of the parcel from the original parent tract in existence on October 21, 1965.

These records can be found in the Clerk's Office using your tax map number to access the land records indicating the deed book or plat book references for your parcel. In addition, a surveyor should be able to assist you with these records particularly if they have researched the records in the Clerks' Office in preparation of the subdivision plat or survey of the property.

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<sup>1</sup> This exception only applies to parcels of records as of January 1, 2000 – see Subdivision Ordinance – Section 15-31(c) on the following page for specific details about this exception for private roads.

1. If the plat submitted has the signature of the subdivision agent, then it was previously approved.
2. If no signature is shown staff would have to investigate further.
  - a. Lots greater than 5 acres which were created prior to 1984 did not require subdivision approval and therefore would be excluded from meeting the requirements of 15-3.2c (8) even if they would be considered a major subdivision.
  - b. Lots less than five acres would have to be evaluated based on the date and conditions in which they were created in order to determine whether this section would apply, although it is unlikely that a division of more than four lots, less than five acres each, would be recorded without subdivision approval unless as a court partition. The plat submitted to determine the applicability of Section 15-3.2 c (8) would also serve to determine the lots to be averaged to determine the minimum lot size permitted under section.

Subdivision Ordinance – Section 15-31(c) Subdivisions served by private roads shall be permitted where the design of the division of land is such that no lot is less than five (5) acres in area and the private road serves no more than three (3) lots or dwelling units. Such private roads shall consist of a permanent easement of right-of-way a minimum of twenty (20) feet in width from the lots to an existing road in the state highway system. Such right-of-way shall include within it a driveway consisting of, at a minimum, an all-weather surface of rock, stone, or gravel, with a minimum depth of three (3) inches and a minimum width of ten (10) feet. The right-of-way shall be maintained by those having a right to use the right-of-way in a condition passable by emergency vehicles at all times. A notation to this effect shall be placed on the face of the final plat and this provision shall be included in the deeds by which the subdivision is effected. Passable condition refers to not only the surface, but also to horizontal and vertical clearance. An erosion and sediment control plan with appropriate surety is required if the proposed right-of-way and driveway construction disturbs more than two thousand five hundred (2,500) square feet. **This exception shall only apply to the subdivision of a parcel of record as of January 1, 2000.**